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SEP 23 2004

PTO/SB/21 (04-04)

**TRANSMITTAL
FORM**

(To be used for all correspondence after initial filing)

		Application Number	10/815,404
		Filing Date	March 31, 2004
		First Named Inventor	Schenk, Dale B.
		Art Unit	1648
		Examiner Name	Laurie Scheiner
Total Number of Pages in This Submission	6	Attorney Docket Number	15270J-004738US

ENCLOSURES (Check all that apply)

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form (1 page, submitted in duplicate) <ul style="list-style-type: none"> <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Technology Center (TC) |
| <input type="checkbox"/> Amendment/Reply <ul style="list-style-type: none"> <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input checked="" type="checkbox"/> Terminal Disclaimer (over 09/723,927) (3 pages) | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Request for Refund | |
| | <input type="checkbox"/> CD, Number of CD(s) | |

Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

The attached Terminal Disclaimer, which disclaims U.S. Application No. 09/723,927, issued as U.S. Patent No. 6,787,138, is being filed for purposes of expediting prosecution and should not be construed as an acquiescence to obviousness type double patenting.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP Rosemarie L. Coffey	Reg. No. 42,397
Signature		
Date	September 23, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 872-9306 on September 23, 2004.

Typed or printed name	Aubrey Baker
Signature	
	Date September 23, 2004

60315510 v1

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete if Known

Application Number	10/815,404
Filing Date	March 31, 2004
First Named Inventor	Schenk, Dale B.
Examiner Name	Laura Schelner
Art Unit	1648
Attorney Docket No.	15270J-004738US

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order Other None
 Deposit Account

Deposit Account Number

20-1430

Deposit Account Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

-
- Charge fee(s) indicated below
-
- Credit any overpayments
-
-
- Charge any additional fee(s) or any underpayment of fee(s)
-
-
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (1)	Fee (\$)	Fee Code (1)	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	** =		
Independent Claims	** =		

X =
 Multiple Dependent

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description
1202	18	2202	0	Claims in excess of 20
1201	88	2201	48	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	88	2204	48	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
	1051	190	Surcharge - late filing fee or oath	
	1052	50	Surcharge - late provisional filing fee or cover sheet	
	1053	130	Non-English specification	
	1812	2,520	For filing a request for reexamination	
	1804	920*	Requesting publication of SIR prior to Examiner action	
	1805	1,840*	Requesting publication of SIR after Examiner action	
	1251	110	Extension for reply within first month	
	1282	420	Extension for reply within second month	
	1253	950	Extension for reply within third month	
	1254	1,480	Extension for reply within fourth month	
	1255	2,010	Extension for reply within fifth month	
	1401	330	Notice of Appeal	
	1402	330	Filing a brief in support of an appeal	
	1409	280	Request for oral hearing	
	1451	1,510	Petition to institute a public use proceeding	
	1452	110	Petition to revive - unavoidable	
	1453	1,330	Petition to revive - unintentional	
	1501	1,930	Utility issue fee (or reissue)	
	1502	480	Design issue fee	
	1503	840	Plant issue fee	
	1480	130	Petitions to the Commissioner	
	1807	50	Petitions related to provisional applications	
	1808	180	Submission of Information Disclosure Stmt	
	8021	40	Recording each patent assignment per property (times number of properties)	
	1809	770	Filing a submission after final rejection (37 CFR § 1.128(a))	
	1810	770	For each additional invention to be examined (37 CFR § 1.128(b))	
	1801	770	Request for Continued Examination (RCE)	
	1802	900	Request for expedited examination of a design application	
			Other fee (specify) 1.20 (d) Statutory (Terminal) Disclaimer Fee	110

Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)

110.00

SUBMITTED BY

Name (Print/Type)	Rosemarie L. Call	Registration No. (Attorney/Agent)	42,397	Telephone	650-326-2400	Complete if applicable
Signature				Date		

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60316498 v1

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete if Known

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20-1430Deposit Account Name
Townsend and Townsend and Crew LLP

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 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee
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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	885	Utility filing fee	
1002	840	2002	170	Design filing fee	
1003	580	2003	285	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	** =	X =	=
Multiple Dependent	** =	X =	=

Large Entity Small Entity

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1202	18	2202	9	Claims in excess of 20
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1204	88	2204	43	** Reissue independent claims over original patent
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SUBTOTAL (2) (\$)

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FEE CALCULATION (continued)

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						110

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$)110.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Rosemarie L. Celi	Registration No. (Attorney/Agent)	42,397	Telephone	650-326-2400
Signature				Date	

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